

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Arkansas Cable Telecommunications  
Association; Comcast of Arkansas, Inc.;  
Buford Communications I, L.P. d/b/a  
Alliance Communications Network;  
WEHCO Video, Inc.; and TCA Cable  
Partners d/b/a Cox Communications,

Complainants,

v.

Entergy Arkansas, Inc.,

Respondent

EB Docket No. 06-53

EB-05-MD-004

**RECEIVED**

JUN 20 2006

Federal Communications Commission  
Office of Secretary

To: Office of the Secretary

Attn: The Honorable Arthur I. Steinberg  
Office of the Administrative Law Judge

**ENTERGY ARKANSAS, INC.'S FIRST INTERROGATORIES  
AND REQUESTS FOR PRODUCTION TO SEPARATE COMPLAINANT  
ARKANSAS CABLE TELECOMMUNICATIONS ASSOCIATION**

Entergy Arkansas, Inc. ("EAI") requests that complainant Arkansas Cable Telecommunications Association respond to the following interrogatories and requests for production within thirty (30) days pursuant to the scheduling order in this proceeding on April 20, 2006, FCC 06M-09, and rules of the Federal Communications Commission ("FCC"), 47 C.F.R. §§ 1.323, 1.325. These interrogatories and requests for production are to be read, interpreted, and answered in accord with the following definitions and instructions.

rec'd 043  
JE

## DEFINITIONS

As used herein, the following definitions apply to these interrogatories and requests for production and to your responses thereto:

(a) "You" or "your"

The individuals to whom these interrogatories and requests for production are addressed; your attorneys, agents, and employees; or any person acting on your behalf or on behalf of any of the above.

(b) "Person"

Any natural person, corporation, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission, bureau, any other business organization, any other such entity, and all state or federal governmental agencies.

(c) "Document" or "documents"

The original and all non-identical copies of any printed, typewritten, handwritten, photocopied, filmed, microfilmed, photographed, taped, recorded, or graphic matter or reproduction thereof of every kind, character, or description and any means of electronic storage of information in your actual or constructive possession, care, custody, or control including, without limitation, correspondence, memoranda, contracts, agreements, books, letters, telegrams, e-mails, brochures, reports, studies, plans, permits, engineering designs, analyses, summaries, speeches, minutes, charts, graphs, photographs, tabulations, working papers, sampling data, lab analyses, reports of data, calendar and diary entries, vouchers, invoices, manual and computer generated accounting records, pamphlets, bulletins, transcripts, exhibits, briefs, handwritten or typewritten notes, tape recordings, microfiche, computer disks, and computer printouts, whether original or reproductions.

(d) “Communicate” or “communication”

Every manner or means of disclosure, transfer, or exchange and every disclosure, transfer, or exchange of information whether orally or by document or whether face-to-face, by telephone, facsimile, electronic mail, mail, personal delivery, or otherwise.

(e) “Relate to” and “relating to”

Discussing, mentioning, addressing, referring to, regarding, pertaining to, analyzing, comprising, underlying, identifying, reflecting, memorializing, describing, or showing the subject indicated.

(f) “Identify”

- (i) As to a person (as defined): name, last known business and residence address(es), last known telephone number, occupation, job title, and dates so employed; and, if not an individual, state the type of entity, the last known address of its principal place of business, and the names of its officers and directors. To the extent that any of the above information is not available, please state all other available means of identifying and locating such person.
- (ii) As to a document (as defined): the type of document (letter, memorandum, printed version of an electronic mail message, printed version of a facsimile, etc.), the identity of the author or originator, the date authored or originated, the identity of each person to whom the original or a copy was addressed or delivered, the identity of such person known or reasonably believed by you to have present possession, custody, or control thereof, and a brief description of the subject matter thereof.

- (iii) As to a communication (as defined): the date of the communication, the type of communication (telephone conversation, electronic mail message, meeting, etc.), the place where the communication took place, the identity of the person who made the communication, the identity of each person who received the communication, the identity of each person present when the communication was made, and the subject matter discussed.
- (iv) As to a meeting: the date of the meeting, the place of the meeting, each person invited to attend, each person who attended, and the subject matter discussed.
- (v) As to a location: the street address, if applicable, and the GPS coordinates including latitude and longitude, and any additional identifying criteria available (i.e. map location, pole number, etc.)
- (vi) As to any other instance or discovery request: a detailed, thorough, complete and accurate description.

(g) “Or”

Shall be construed either conjunctively or disjunctively to bring within the scope of these interrogatories and requests for production any information that might otherwise be construed to be outside their scope.

(h) “Cable Plant” shall mean any coax or fiber cable, messenger, guy wire, anchor, bracket, bolt, apparatus, power supply, electronic device, or any other equipment or wire associated with attachment of the foregoing to any pole, structure or property owned or controlled by EAI.

(i) "NESC" shall mean the 2002 edition of the National Electrical Safety Code unless an earlier or other specific version is expressly referenced.

(j) "Pole Attachment Agreement" shall mean the written agreement between EAI and a complainant governing the attachment of a complainant's Cable Plant.

(k) The singular includes the plural number and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

#### INSTRUCTIONS

The following instructions apply to these interrogatories and requests for production and your responses thereto:

(a) Upon producing any document requested herein, you are instructed to indicate to which of the following numbered interrogatories or requests for production the document is being produced in response. In response to each interrogatory or request for production, you should also reference all Bates stamp numbers that have been affixed to the documents.

(b) Whenever a document (as defined) or group of documents is taken out of a file folder, file drawer, file box, or notebook, before the same is produced, attach thereto a copy of the label on the file folder, file box, or notebook from which the document or group of documents was removed.

(c) If any document requested has been lost or destroyed since its creation, identify said document, describe when, where, how, and by whom said document was lost or destroyed, and state the name of the person(s) who last had custody thereof.

(d) With respect to any documents withheld by you or your counsel on the belief that the documents or some portion thereof may be privileged, you or your counsel shall produce so

much of each such document as does not contain any alleged privileged information and furnish a written statement setting forth as to each such document (or portion thereof):

- (i) The name(s) of the author(s) of the document;
- (ii) The name(s) of the sender(s) of the document;
- (iii) The name(s) of the person(s) who received the document or to whom copies were sent or exhibited at any time;
- (iv) The name(s) of all persons presently having possession of the document or copy thereof;
- (v) A brief description of the nature and subject matter of the document; and
- (vi) The privilege asserted and the statute, rule, decision, or other basis that is claimed to give rise to the privilege.

### **INTERROGATORIES**

INTERROGATORY NO. 1: Identify the individuals who participated in responding to these interrogatories and requests for production and list the corresponding interrogatory or request for production for which they participated.

INTERROGATORY NO. 2: Identify each individual you will or may call to testify as a fact witness at the formal hearing of this proceeding before the Administrative Law Judge or who will or may provide written testimony and state the subject matter on which each such witness will or may testify.

INTERROGATORY NO. 3: Identify to the best of your ability at this time each individual you will actually call to testify as a witness at the formal hearing of this proceeding before the Administrative Law Judge or who will actually provide written testimony so that their

depositions can be timely noticed and completed by EAI in compliance with the Administrative Law Judge's order issued April 20, 2006, FCC 06M-09.

INTERROGATORY NO. 4: Identify each individual you will or may call to testify as an expert witness at the formal hearing of this proceeding before the Administrative Law Judge or who will or may provide written testimony.

INTERROGATORY NO. 5: Identify all individuals who have knowledge, information or documents relating to the issues to be addressed at the formal hearing before the Administrative Law Judge which are contained in the Hearing Designation Order adopted on March 1, 2006, DA 06-494.

INTERROGATORY NO. 6: Identify all individuals who were not identified in response to Interrogatory No. 5 who have knowledge, information or documents relating to facts, allegations, contentions or subject matter described in the pleadings in FCC Docket Nos.: EB-05-MD-004, EB 06-53.

INTERROGATORY NO. 7: Identify and describe every communication between you and any of your agents, contractors, subcontractors, employees, Complainants, members, other cable operators, other telecommunications carriers, or any other entity relating to Utility Support Systems, Inc. ("USS"), safety inspections performed by USS, or safety violations reported by EAI or USS to any of the Complainants or their agents or contractors or subcontractors.

INTERROGATORY NO. 8: Identify and describe every communication, not otherwise identified in response to Interrogatory No. 7, between you and any of your agents, contractors, subcontractors, employees, Complainants, members, other cable operators, other telecommunications carriers, or any other entity relating to any fact, allegation, contention, or subject matter described in the pleadings in FCC Docket Nos.: EB-05-MD-004, EB 06-53.

## **REQUESTS FOR PRODUCTION**

REQUEST FOR PRODUCTION NO. 1: Produce all documents and tangible objects of every kind that you intend to introduce in evidence or otherwise rely on at the formal hearing of this proceeding before the Administrative Law Judge.

REQUEST FOR PRODUCTION NO. 2: Produce all documents and tangible objects of every kind in your possession or under your control relating to the issues to be addressed at the formal hearing before the Administrative Law Judge which are contained in the Hearing Designation Order adopted on March 1, 2006, DA 06-494.

REQUEST FOR PRODUCTION NO. 3: Produce all documents relating to every communication identified in your responses to Interrogatory Nos. 7 and 8.



Respectfully submitted,

Shirley S. Fujimoto/EO

Wm. Webster Darling  
Janan Honeysuckle  
Entergy Services, Inc.  
425 West Capitol Avenue  
27th Floor  
Little Rock, AR 72201  
T: 501.377.5838  
F: 501.377.5814

Shirley S. Fujimoto  
Erika E. Olsen  
David D. Rines  
McDERMOTT WILL & EMERY LLP  
600 Thirteenth Street, N.W.  
Washington, D.C. 20005-3096  
T: 202.756.8000  
F: 202.756.8087

Gordon S. Rather, Jr.  
Michelle M. Kaemmerling  
WRIGHT, LINDSEY & JENNINGS LLP  
200 West Capitol Avenue, Suite 2300  
Little Rock, AR 72201-3699  
T: 501.371.0808  
F: 501.376.9442

DATED: June 20, 2006

*Attorneys for Entergy Arkansas, Inc.*

**CERTIFICATE OF SERVICE**

I, Erika E. Olsen, do hereby certify that on this 20th day of June, 2006, a single copy (unless otherwise noted) of the foregoing "Entergy Arkansas, Inc.'s First Interrogatories and Requests for Production to Separate Complainant Arkansas Cable Telecommunications Association" was delivered to the following by the method indicated:

Marlene H. Dortch (hand delivery) (**ORIGINAL PLUS 3 COPIES**)  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A325  
Washington, D.C. 20554

Hon. Arthur I. Steinberg (hand delivery, facsimile, e-mail)  
Office of Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554


John Davidson Thomas (hand delivery, e-mail)  
Paul Werner, III  
Hogan & Hartson LLP  
Columbia Square  
555 13th Street, N.W.  
Washington, D.C. 20004

Genevieve D. Sapir (overnight delivery, e-mail)  
Hogan & Hartson LLP  
1999 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067

Kris A. Monteith, Bureau Chief (hand delivery, e-mail)  
Federal Communications Commission  
Enforcement Bureau  
Market Dispute Resolutions Division  
445 12th Street, S.W.  
Washington, DC 20554

Alex Starr (hand delivery, e-mail)  
Lisa Saks  
Michael Engel  
Federal Communications Commission  
Enforcement Bureau  
Market Dispute Resolutions Division  
445 12th Street, S.W.  
Washington, DC 20554

Best Copy and Printing, Inc. (U.S. Mail)  
Federal Communications Commission  
Room CY-B402  
445 12th Street, S.W.  
Washington, D.C. 20554

  
\_\_\_\_\_  
Erika E. Olsen